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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/769,776

02/03/2004

Kenichi Shiba

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EXAMINER

CHEN, WEN YING PATTY

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/769,776

Applicant(s)

SHIBA, KENICHI

Examiner

Wen-Ying P. Chen

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Jan. 23, 2006 has been entered.

Drawings

The drawings were received on Nov. 16, 2005. These drawings are acceptable.

Response to Amendment

Applicant's Amendment filed Nov. 16, 2005 has been entered. Claims 1-18 are pending in the current application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Kan-o (US 6525790).

With respect to claim 1 (Amended): Claim 1 is recognized as a product-by-process claim.

“[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985) *see MPEP 2113 [R-1]*.

Kan-o disclose in Figure 1 a display-positioning mechanism comprising:

- a base (element 40) which is fixed in the casing (element 1);

- a provisional fixing member (element 6) which attaches the display (element 3) to the base such that when the display is attached to the base the display is movable within a predetermined range relative to the base (the tightness of the screw is adjustable, such that prior to the completion of the assembly of the display device, the display itself can be made movable within a predetermined range); and

- a positioning portion (elements 42 and 43) for restricting movement of the display at a time of attachment of the second casing body (element 2) to the first casing body (element 1), and retaining the display at a fixed predetermined position with respect to both of the first and second casing bodies.

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As to claim 2: Kan-o further discloses in Figure 1 that the base (element 40) is fixed to the first casing body (element 1) (wherein the base is fixed to the first casing by means of element 8).

Claims 1, 3-9 and 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kan-o (US 6525790).

With respect to claim 1 (Amended): Claim 1 is recognized as a product-by-process claim.

“[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985) *see MPEP 2113 [R-1]*.

Kan-o disclose in Figure 1 a display-positioning mechanism comprising:

a base (element 40) which is fixed in the casing (element 1);

a provisional fixing member (element 6) which attaches the display (element 3) to the base such that when the display is attached to the base the display is movable within a predetermined range relative to the base (the tightness of the screw is adjustable, such that prior to the completion of the assembly of the display device, the display itself can be made movable within a predetermined range); and

a positioning portion (element PROJ, as shown in the figure below) for restricting movement of the display at a time of attachment of the second casing body (element 1) to the first casing body (element 2), and retaining the display at a fixed predetermined position with respect to both of the first and second casing bodies.

As to claim 3: Kan-o further discloses in Figure 1 that the provisional fixing member comprises a stepped screw (element 6).

As to claim 4: Kan-o further discloses in Figure 1 that the positioning portion (element PROJ, as shown in the figure below) is provided at the second casing body (element 1).

As to claims 5 and 6: Kan-o further discloses in Figure 1 that the positioning portion (element PROJ, as shown in the figure below) comprises a plurality of projections capable of restricting movement of the display (element 3) in all directions.

As to claim 7: Kan-o further discloses in Figure 1 that the projections are formed integrally with the second casing body (element 1).

As to claim 8: Kan-o further discloses in Figure 1 that the display-positioning mechanism further comprising a resilient member (element 44) for pushing the display against an inner face of the second casing body (Column 9, lines 9-11).

As to claim 9: Kan-o further discloses in Figure 1 that the display comprises a frame portion (element 41), and the resilient member (element 44) is formed integrally with the frame portion.

With respect to claim 13 (Amended): Claim 13 is recognized as a product-by-process claim.

“[E]ven though product-by-process claims are limited by and defined by the process,

determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985) *see MPEP 2113 [R-1]*.

Kan-o disclose in Figure 1 a display-positioning mechanism comprising:

- a base (element 40) which is fixed in the casing (element 1);
- a provisional fixing member (element 6) which attaches the display (element 3) to the base such that when the display is attached to the base the display is movable within a predetermined range relative to the base (the tightness of the screw is adjustable, such that prior to the completion of the assembly of the display device, the display itself can be made movable within a predetermined range); and
- a positioning portion (element PROJ, as shown in the figure below) for restricting movement of the display at a time of attachment of the second casing body (element 1) to the first casing body (element 2), and retaining the display at an accurate position relative to the display aperture portion, and wherein the display is retained at a fixed position relative to both of the first and second casing bodies at the time of attachment.

As to claims 14 and 15: Kan-o further discloses in Figure 1 that the positioning portion (element PROJ, as shown in the figure below) comprises a plurality of projections capable of restricting movement of the display (element 3) in all directions.

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As to claims 16-18: Kan-o further discloses in Figure 1 that the projections are formed integrally with the second casing body (element 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kan-o (US 6525790) in view of Lee (US 6665025).

Kan-o discloses all of the limitations set forth in claim 8, but does not disclose a base comprising a reference potential terminal and a reference potential-receiving terminal for electrically contacting with the reference potential terminal.

However, Lee discloses in Figure 4 a base (element 200) comprising a reference potential terminal (element 212') and a reference potential-receiving terminal (element 270), which could

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also be the same as the reference potential terminal, in order to maintain a reference potential of the display (Column 4, lines 11-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a reference potential terminal and the reference potential-receiving terminal as taught by Lee in the display position mechanism taught by Kan-o since Lee teaches that by having a reference potential terminal and the reference potential-receiving terminal electromagnetic wave interference can be minimized, and therefore, enhance a product's reliability (Column 2, lines 28-30).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kan-o (US 6525790) and Lee (US 6665025) in view of Sun (US 6226535).

Kan-o and Lee disclose all of the limitations set forth in claim 10, but they do not disclose the resilient member with functionality as a reference potential-receiving terminal.

However, Sun discloses in Figure 4 a resilient member (element 20) that is capable of functioning as a reference potential-receiving terminal (Column 2, lines 59-62; Column 3, lines 49-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to form the resilient member and the reference potential-receiving terminal taught by Sun in the display position mechanism taught by Kan-o and Lee so that with the resilient member and the reference potential-receiving terminal being one piece, the number of parts can be reduced while still maintaining the original functions.

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Response to Arguments

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

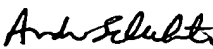
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Ying P. Chen whose telephone number is (571)272-8444. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Ying P Chen
Examiner
Art Unit 2871

WPC
4/03/06


ANDREW SCHECHTER
PRIMARY EXAMINER